

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

CIVIL NO. 5:09CR27

UNITED STATES OF AMERICA,	)
	)
Plaintiff,	)
	)
v.	)
	)
1) BERNARD VON NOTHAUS,	)
	)
Defendant.	)

**ADDENDUM TO**  
**BRIEF AND SUMMARY OF EVIDENCE FOR FORFEITURE**

COMES NOW THE UNITED STATES and submits:

1. The United States makes no concessions whatsoever concerning the account that includes the name of Mary Nothhouse. It may *appear* that she has some kind of ownership interest, but other evidence supports the conclusion that she may in actuality be a mere *straw* owner for Bernard von Nothaus, or the account may be where Bernard von Nothaus attempted to hide his proceeds. Upon forfeiture, the normal discovery in the ancillary hearing under Fed. R. Crim. P. 32.2(c) will resolve the ownership issue. What is straightforward by a preponderance of the evidence at this point is that there is substantial evidence to support the conclusion that the silver in that account was connected to the three crimes of conviction of Bernard von Nothaus and the organizations and accounts that were his alter egos. The most important exhibits in support of the connection are:

F40	"Suzy Nothhouse . . . Whse SK2"on September 26, 2005.
F41	"New whse set up SK2 for Liberty dollar - NORFED" on September 28, 2005
F43	"Mary S. Nothhouse, individual. Please grant access to: Suzy Voye or Bernard von Nothaus or Bob Nothhouse."
F49	Checks for \$20,987.50 and \$2137.50 on March 30, 2006, by Mary S. Nothhouse to Sunshine Mint for purchases of silver.
F49a	Mary's check for \$20,987.50 is deposited into Sunshine account "496468 Royal Hawaiian Mint."
F49b	Mary's check for \$2137.50 is deposited into Sunshine account "496468 Royal Hawaiian Mint."
F50	"Safekeeping 2" account at Sunshine Mint includes entry for "Royal Hawaiian Mint"on March 31, 2006, for purchase of silver.
F51	Check for \$5,500.00 by Mary Nothhouse as "remitter"on August 20, <u>2003</u> , to Sunshine Mint at account "496468, 48060 HW." <u>Proof:</u> Mary was involved at the Sunshine Mint with Bernard's schemes well before the supposed "opening" of SK2 on September 26, 2005.
F52	Mary's check for \$5,500.00 applied by Sunshine Mint to account "496468 Royal Hawaiian Mint."
F56c	Sunshine Mint bill on March 30, 2006, to "Royal Hawaiian Mint c/o Royal Hawaiian Mint" at account "496468" includes entry: "Fine silver metal to be put in R2 warehouse; Bernard will email information on transferring AG into SK2 warehouse from this warehouse."

2. Descriptions and explanations of United States Exhibits F56-60, newly admitted at the second session of the forfeiture phase of the trial on Monday, April 4, 2011, are:

<b>U.S. Ex.</b>	<b>Description</b>	<b>Relevance and Proof</b>
F56a	Order Acknow. by Sunshine Mint to Royal Hawaiian Mint	Order on 08/19/03 <u>for silver</u> for “new Hawaiian series” billed to Royal Hawaiian Mint at Evansville address. Account: 496468. <u>Proof</u> - Continuity of Liberty Dollar under various names. - Bernard ordered and segregated silver before minting. - Mary: 496468 is same as her check was put into: Ex. F49, 49a.
F56b	Order Acknow. by Sunshine Mint to Royal Hawaiian Mint	Order on 11/16/05 <u>for silver</u> billed to Royal Hawaiian Mint “c/o Bernard von Nothaus” at Evansville address. Account: 496468. <u>Proof</u> - Continuity of Liberty Dollar under various names. - Bernard ordered and segregated silver before minting. - Mary: 496468 is same as her check was put into: Ex. F49, 49a.
F56c	Order Acknow. by Sunshine Mint to Royal Hawaiian Mint	Order on 03/30/06 <u>for silver</u> billed to Royal Hawaiian Mint “c/o Bernard von Nothaus” at Evansville address: silver “to be put in R2 warehouse; Bernard will email information on transferring AG into SK2 warehouse from this warehouse” Account: 496468. <u>Proof</u> - Bernard transferring silver to Mary’s SK2 account; re: F41, 50 - Mary: 496468 is same as her check was put into: Ex. F49, 49a - Continuity of Liberty Dollar under various names. - Bernard ordered and segregated silver before minting.
F56d	Order Acknow. by Sunshine Mint to Royal Hawaiian Mint <u>and to Liberty Services</u>	Order on 09/26/07 <u>for \$20 coins</u> billed to Royal Hawaiian Mint “c/o Bernard von Nothaus” at Evansville address & ship to: “Bernard von Nothaus c/o Liberty Services” Account: 496468. <u>Proof</u> - Continuity of Liberty Dollar under various names - Bernard orders already minted coins - Mary: 496468 is same as her check was put into: Ex. F49, 49a.
F56e	Order Acknow. by Sunshine Mint to Royal Hawaiian Mint	Order on 10/26/07 <u>for silver</u> billed to Royal Hawaiian Mint “c/o Bernard von Nothaus” at Evansville address. Account: 496468. <u>Proof</u> - Continuity of Liberty Dollar under various names. - Liberty Dollar ordered and segregated silver before minting. - Mary: 496468 is same as her check was put into: Ex. F49, 49a.

F57	NORFED letter, 5/16/2000	Merges accounts of NORFED and Royal Hawaiian Mint. <u>Proof</u> - Continuity of Liberty Dollar under various names
F58	5 photos of coins	“Hawaii/Hapalua Dala” & “Liberty Dollar” on same coins. “Evansville” and “Liberty Dollar” on same coin. <u>Proof</u> - Continuity of Liberty Dollar under various names
F59	Affidavit of Mary S. Nothouse, 03/04/08	States that she purchased silver for Bernard “with funds he provided to me.” <u>Proof</u> Mary’s funds were not independent of Bernard’s
F60	Manu. & Wareh. Agreement: btw Shelter Systems & SunshMint, 08/24/1998; 11 pp.	Shelter to purchase “minted” silver pieces, “Liberty Silver.” p.1; Sunsh. Mint to “manufacture” Liberty Silver, p. 2; Shelter shall have a “tolling account containing silver bullion prior to the manufacture of Liberty Silver,” p. 2. <u>Proof</u> - The coins were the object of the conspiracy from the beginning, i.e. in 1998. - From the beginning, silver was purchased and segregated into the Liberty Dollar account in preparation for minting orders.

3. Corrections. On page 16 of the United States Brief and Summary of Evidence, Exhibit “F56f” should read “F56e.” There is no Exhibit F56f.

In its oral summary on Monday, April 4, 2001, the United States may have inadvertently referred to the two amounts of “1000.5 troy ounces” as raw “silver,” instead, as the Superseding Indictment clearly provides, those amounts are “silver coins.” See United States’ Brief and Summary of Evidence for Forfeiture at 20-21. The two raw or unminted amounts of silver, as the Superseding Indictment clearly provides, are

11 Silver Bars and Silver scrap totaling 10,720.60 troy Ounces

16,000.05 troy Ounces of Raw Silver

Respectfully submitted this the 5<sup>th</sup> day of April, 2011

ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

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